REMARKS

The Office Action dated July 26, 2006 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 1-14 and 17-23 have been amended, and claim 24 has been added to more particularly point out and distinctly claim the subject matter of the present invention. No new matter has been added. Support for the above amendments and new claim are provided in the Specification in at least paragraphs [0049]-[0064]. Accordingly, claims 1-24 are currently pending, of which claims 1, 8, 17, and 24 are independent claims.

In view of the above amendments and the following remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections to the claims for the reasons discussed below.

Claim Objections

The Office Action objected to claims 1-2, 9, and 18 because of minor informalities. Specifically, in claim 1, the Office Action indicated that the phrase "signal-to-interference" is repeated, and in claims 2, 9, and 18, the Office Action indicated that the word "signaling" is spelled incorrectly.

Accordingly, Applicant has amended claims 1-2, 9, and 18 to correct the minor informalities. Specifically, claim 1 has been amended to remove the redundant phrase

"signal-to-interference," and claims 2, 9, and 18 have been amended to replace "signaling" with "signaling."

Therefore, Applicant respectfully requests withdrawal of the objection of claims 1-2, 9, and 18, and respectfully submits that claims 1-2, 9, and 18 are now in condition for allowance.

Claim Rejections under 35 U.S.C. §102(e)

The Office Action rejected claims 1-23 under 35 U.S.C. §102(e) as allegedly being anticipated by Palenius (U.S. Patent No. 6,904,290) ("Palenius"). The Office Action alleged that Palenius discloses or suggests every claim feature recited in claims 1-23.

Claim 1, upon which claims 2-7 are dependent, recites a method. The method includes adjusting a target signal-to-interference to match a first data rate applied during a first transmission time interval of a dedicated channel, and performing a comparison between a signal-to-interference measured from the dedicated channel transmitted at the first data rate and the target signal-to-interference. The target signal-to-interference is configured to provide a reference signal-to-interference value for closed-loop power control. A transmit power control command is provided to a transmitter according to the comparison.

Claim 8, upon which claims 9-16 are dependent, recites a system. The system includes an adjusting unit connected to a receiver and configured to adjust a target signal-

to-interference ratio to match a first data rate applied during a first transmission time interval of the dedicated channel, and a comparator configured to perform a comparison between a signal-to-interference ratio measured from the dedicated channel transmitted at the first data rate and the target signal-to-interference ratio. The target signal-to-interference ratio is configured to provide a reference signal-to-interference ratio value for closed-loop power control. A transmitter is configured to receive a transmit power control command according to the comparison.

Claim 17, upon which claims 18-23 are dependent, recites an apparatus. The apparatus includes an adjusting unit connected to a receiver configured to adjust a target signal-to-interference ratio to match a first data rate applied during a first transmission time interval of the dedicated channel, and a comparator configured to generate a comparison between a signal-to-interference ratio measured from the dedicated channel transmitted at the first data rate and the target signal-to-interference ratio. The target signal-to-interference ratio is configured to provide a reference signal-to-interference ratio value for closed-loop power control. A transmitter is configured to receive a transmit power control command according to the comparison.

As will be discussed below, Palenius fails to disclose or suggest every claim feature recited in claims 1-23, and therefore fails to provide the advantages and features discussed above.

Palenius is directed to a method and apparatus for controlling transmit power, whereby a data rate of at least a first channel is determined, and the transmit power of the

at least first channel is controlled based on the determined data rate (Palenius, Abstract; col. 3, lines 37-58).

Applicant respectfully submits that Palenius fails to disclose or suggest every claim feature recited in claim 1, and similarly recited in claims 8 and 17. Specifically, Palenius fails to disclose or suggest, at least, "adjusting a target signal-to-interference to match a first data rate applied during a first transmission time interval of a dedicated channel, the target signal-to-interference configured to provide a reference signal-to-interference value for closed-loop power control; and performing a comparison between a signal-to-interference measured from the dedicated channel transmitted at the first data rate and the target signal-to-interference" as recited in claim 1, and similarly recited in claims 8 and 17.

Rather, Palenius discloses controlling a transmit power of at least a first channel based on a determined data rate. The transmit power may be adjusted based on a ratio of power between the at least a first channel and a second channel, and the ratio may be adjusted based on the data rate of the first data channel. The first channel may be a data channel, and the second channel may be a control channel. The ratio is adjusted such that a power offset between the first channel and the second channel is proportional to the data rate of the first channel. The ratio may be adjusted based on the coding rate, data transmission rate, and/or a rate matching parameter. The transmit power may also be adjusted based on received power control commands. The transmit power may be adjusted in this manner in the uplink or downlink direction (Palenius, col. 3, lines 41-58).

Palenius further discloses first, second, and third decoders 24, 26, 27 used to decode a signal transmitted from the BS 100 and processor 25 used to reconstruct and output conveyed information, e.g. to provide audio and video output of a wirelessly transmitted video conference. The information obtained during the decoding process can be used to determine the SIR of a signal received by the MS 110 and to perform other quality measurements (Palenius, col. 5, lines 4-6).

Hence, Palenius discloses adjusting a ratio of power between the at least first channel and a second channel based on a determined data rate. Palenius discloses the determination of the SIR of the signal received by the MS 110, but fails to disclose or suggest adjusting the SIR "to match a first data rate applied during a first transmission time interval of a dedicated channel, the target signal-to-interference configured to provide a reference signal-to-interference value for closed-loop power control."

Further, contrary to the Office Action's assertions, Palenius fails to disclose or suggest, at least, "performing a comparison between a signal-to-interference measured from the dedicated channel transmitted at the first data rate and the target signal-to-interference" as recited in claim 1, and similarly in claims 8 and 17. The Office Action alleged that Palenius discloses the aforementioned claim limitation, citing processor 25. Rather, Palenius discloses processor 25 which is used to reconstruct and output information in a signal from MS 100 to BS 110, e.g. to provide the audio and video output of a wirelessly transmitted video conference. Contrary to the Office Action's assertion, Palenius fails to disclose or suggest performing a comparison.

Accordingly, Palenius fails to disclose or suggest every claim feature recited in claim 1, and similarly recited in claims 8 and 17.

Claims 2-7 depends from claim 1. Claims 9-16 depend from claim 8. Claims 18-23 depend from claim 17. Accordingly, claims 2-7, 9-16, and 18-23 should be allowable for at least their dependency upon an allowable base claim, and for the limitations recited therein.

Therefore, Applicant respectfully requests withdrawal of the rejections of claims 1-23 under 35 U.S.C. §102(e), and respectfully submits that claims 1, 8, and 17, and the claims that depend therefrom, are in condition for allowance.

New Claim 24

New claim 24 has its own scope, but contains recitations similar to those discussed above with regard to claims 1, 8, and 17. Specifically, Palenius fails to disclose or suggest, "adjusting means, connected to the receiver, for adjusting a target signal-to-interference ratio to match a first data rate applied during a first transmission time interval of the dedicated channel, the target signal-to-interference ratio configured to provide a reference signal-to-interference ratio value for closed-loop power control; and comparing means for generating a comparison between a signal-to-interference ratio measured from the dedicated channel transmitted at the first data rate and the target signal-to-interference ratio" as recited in claim 24.

Therefore, Applicant respectfully submits that claim 24 is in condition for allowance.

CONCLUSION

In conclusion, Applicant respectfully submits that Palenius fails to disclose or suggest every claim feature recited in claims 1-24. The distinctions previously noted are more than sufficient to render the claimed invention unanticipated. It is therefore respectfully requested that all of claims 1-24 be allowed, and this present application passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Additional Claim Fee Transmittal
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